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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/060,712

01/29/2002

Bartley K. Andre

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8995

22434

7590

07/26/2002

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EXAMINER

LESPERANCE, JEAN E

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/060,712

Applicant(s)

ANDRE ET AL.

Examiner

Jean E Lesperance

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Applicant is reminded of the proper content of an abstract of the disclosure.

### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10-14 is rejected under 35 U.S.C. 102 (b) as being unpatentable over U.S. Patent # 5,751,274 (“Davis”).

As for claim 10, Davis teaches an annular guide member 56 advantageously permits the control stick 32 to both pivot in the manner of a conventional joystick and move inwardly and axially along its longitudinal axis to stimulate a depressible button switch (column 6, lines 22-26) corresponding to a mouse capable of executing a button function, the button function being incorporated into a housing component of the mouse, the housing component being configured to substantially enclose electronics associated with the mouse.

As for claims 11 and 12, Davis teaches an inwardly depressing or replacing the control stick operates a switch which is intended to function as a primary button on a conventional mouse for “clicking” or double-clicking or otherwise selecting an on-screen element or option (column 3, lines 12-16) corresponding to the housing component is pushed in its entirety to execute the button function and the button function is associated with performing an on screen action.

As for claim 13, Davis teaches an action of switch S2 produces a signal representative of movement in the positive direction along the X axis (column 5, lines 20-22) corresponding to the electronics generate on screen action signals.

As for claim 14, Davis teaches a wiring and/or electrical components conventionally used for interfacing the inventive foot cursor control device 10 with a host computer may be incorporated in the device 10 (column 8, lines 9-12) corresponding to the electronics generate cursor control signals.

Claims 15-31 are rejected under 35 U.S.C. 102 (b) as being unpatentable over U.S. Patent # 5,907,318 ("Medina").

As for claim 15, Medina teaches a computer operator to constantly remove his/her hand from the keyboard to grasp the mouse in order to move the cursor to the next entry area (column 1, lines 31-34) corresponding to a top member capable of being grasped by a user, the top member serving as a button so as to perform an on screen action.

As for claims 16 and 17, Medina teaches a foot-base operated device 10 is a sandal type construction including a base (12 Figs. 1 and 2) corresponding to the top member is a portion of the housing of the mouse.

As for claim 18, Medina teaches it is necessary to move the cursor to each area on the form and then to click on the mouse to activate that area prior to making an alpha numeric entry using the keyboard (column 1, lines 28-31) corresponding to a mouse having a movable enclosure for actuating a clicking action associated with performing an on screen action.

As for claim 19, Medina teaches upon the movement of the user's foot, with the ball maintained against the floor surface, the track ball 20 is caused to rotate in accordance with x and y coordinates for left and right movement and forward and

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rearward movement (column 3, lines 45-49) corresponding to the enclosure includes a first member and a second member, the first and second members cooperating to form a housing of the mouse, the first member being configured to make moving contact with a surface, the second member being movably coupled to the first member so as to provide the clicking action.

As for claim 20, Medina teaches a strap that is secured at opposite ends to the base 12 (column 3, lines 37-38) corresponding to a base member; upon the movement of the user's foot, with the ball maintained against the floor surface, the track ball 20 is caused to rotate in accordance with x and y coordinates for left and right movement and forward and rearward movement (column 3, lines 45-49) corresponding to and a top member cooperating with the base member to (form a housing of the input device) substantially enclose internal components of the input device, the top member moving relative to the base member to provide a clicking action.

As for claims 21-31, Medina teaches the internal components (Fig. 4) corresponding to the internal components include electronics associated with moving a cursor on a display; a portion of the surface area of the track ball 20 being exposed and protruding from the bottom 16 of the base 12 for engagement with the ground surface (column 3, lines 43-45) corresponding to the base member is configured to make moving contact with a surface; a first control light sensor 162 in the center of the top surface and a second control light sensor 164 on the right side of the top surface of the mouse 10 (column 5, lines 26-28) corresponding to the top member is capable of

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moving between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

### **or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 7-17-2002



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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